

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

PATRICK FLARITY, a marital
community,

Plaintiff,

v.

KENNETH ROBERTS, ARGONAUT
INSURANCE COMPANY, and PIERCE
COUNTY, a municipal corporation, *et al.*,

Defendants.

CASE NO. 3:20-cv-06247-RJB

ORDER DENYING PLAINTIFF'S
MOTION FOR RELIEF AND
DEFENDANT'S MOTION FOR
SANCTIONS

THIS MATTER comes before the Court on Plaintiff Joe Flarity's Motion for Relief from Judgment or Order (Dkt. 55) and Defendant Argonaut Insurance Company's Motion for Rule 11 Sanctions (Dkt. 56). The Court has considered the pleadings filed regarding the motions and the remaining file.

Plaintiff's Motion for Relief: Plaintiff's motion appears to be a third motion for reconsideration of the order dismissing his case (Dkt. 49). In that order, the Court granted Argonaut Insurance Company's ("Argonaut") motion for judgment on the pleadings and denied

1 Plaintiff's Motion for Leave to File Amended Complaint. *Id.* The Court had previously granted
2 motions to dismiss filed by all defendants other than Argonaut. *See id.* On May 11, 2021, the
3 Court entered judgment against Plaintiff.

4 On May 24, 2021, Plaintiff moved for reconsideration. Dkt. 51. On May 25, 2021, the
5 Court denied that motion. Dkt. 52. On May 27, 2021, Plaintiff filed a Motion for Findings of
6 Fact and Conclusions of Law, which argued that the Court had not freely given leave to amend
7 as required by Federal Rule of Civil Procedure 15. Dkt. 53. The Court construed his motion as a
8 motion for reconsideration, and again found that reconsideration was not warranted. Dkt. 54.
9 Plaintiff now moves for relief from judgment or order. Dkt. 55. This again appears to be a
10 motion for reconsideration. *See id.*

11 This case is closed, and this motion is frivolous and without merit. Plaintiff's motion
12 (Dkt. 55) **IS DENIED**. Other than a notice of appeal, any future pleading filed in this matter
13 will be docketed by the clerk of the court, but no further action will be taken.

14 **Argonaut's Motion for Sanctions:** Argonaut moves for sanctions pursuant to Federal
15 Rule of Civil Procedure 11(c), which states in relevant part: "If, after notice and a reasonable
16 opportunity to respond, the court determines that Rule 11(b) has been violated, the court **may**
17 impose an appropriate sanction on any attorney, law firm, or party that violated the rule or is
18 responsible for the violation." (emphasis added).

19 Rule 11(b) prohibits "frivolous" arguments and those "presented for any improper
20 purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation."

21 The Court finds that Plaintiff has violated Rule 11(b) but declines to impose sanctions
22 under Rule 11(c). Argonaut's Motion for Sanctions (Dkt. 56) **IS DENIED**.

23 **IT IS SO ORDERED.**
24

1 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
2 to any party appearing *pro se* at said party's last known address.

3 Dated this 15th day of July, 2021.

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5 ROBERT J. BRYAN
6 United States District Judge
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